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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,013	07/09/2003	Bruno Zorzo	ESG003	1004
7590 11/16/2005 Thomas S. Baker, Jr. 1371 West 3rd Ave. Columbus, OH 43212			EXAMINER GROSSO, HARRY A	
			ART UNIT 3727	PAPER NUMBER

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,013

Applicant(s)

ZORZO, BRUNO

Examiner

Harry A. Grosso

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the separately obtained lifts (claim 3), as best understood, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).
3. The drawings are objected to because reference characters (10) and (11) appear to be interchanged in Figures 8 and 9.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims are generally narrative in character and unclear as to the invention being claimed or the elements thereof. Are the devices being claimed or the devices in combination with the divider wall or both in combination with the bucket? In addition, the narrative nature of the claims combined with the terminology used and the sentence structure makes the claims unclear. A more concise recitation of the limitations of the claims is needed.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.
9. Claim 1 recites the limitation "the release" in line 1. There is insufficient antecedent basis for this limitation in the claim.
10. Claim 1 recites the limitation "the movable dividing wall" in line 1. There is insufficient antecedent basis for this limitation in the claim.
11. Claim 1 recites the limitation "the coupling" in line 1. There is insufficient antecedent basis for this limitation in the claim.
12. Claim 1 recites the limitation "the fact" in line 2. There is insufficient antecedent basis for this limitation in the claim.
13. Claim 1 recites the limitation "the sides" in line 3. There is insufficient antecedent basis for this limitation in the claim.
14. Claim 1 recites the limitation "the free higher edge" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.
15. Claim 1 recites the limitation "the fulcrum" in line 4. There is insufficient antecedent basis for this limitation in the claim.
16. Claim 1 recites the limitation "the knee levers" in line 4. There is insufficient antecedent basis for this limitation in the claim.
17. Claim 1 recites the limitation "the underside edges" in line 6. There is insufficient antecedent basis for this limitation in the claim.

18. Claim 1 recites the limitation "whose arms" in line 5. There is insufficient antecedent basis for this limitation in the claim. Additionally, it is not clear what element is being referenced.
19. Claim 1 recites the limitation "the bucket" in lines 6 and 7. There is insufficient antecedent basis for this limitation in the claim. "Reservoirs or buckets" were previously recited in claim 1 and it is unclear if the reservoirs are not considered.
20. Claim 1 recites the limitation "themselves" in line 6. It is unclear what element this term references.
21. Claim 2 recites the limitation "the same molding" in line 4. There is insufficient antecedent basis for this limitation in the claim.
22. Claim 2 recites the limitation "the wall" in line 4. There is insufficient antecedent basis for this limitation in the claim. Is the dividing wall intended?
23. Claim 4 recites the limitation "the correspondent dividing wall" in line 4. There is insufficient antecedent basis for this limitation in the claim.
24. Claim 4 recites the limitation "the same kind" in line 6. There is insufficient antecedent basis for this limitation in the claim.
25. Regarding claim 4, it is unclear exactly what is being claimed.
26. Claim 5 recites the limitation "the dividing walls" in line 3. There is insufficient antecedent basis for this limitation in the claim.
27. Claim 5 recites the limitation "the seal division" in line 4. There is insufficient antecedent basis for this limitation in the claim.

28. Claim 5 recites the limitation "the knee type" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim.

29. Claim 5 recites the limitation "the lifting expansions" in line 6. There is insufficient antecedent basis for this limitation in the claim.

30. Claim 5 recites the limitation "their fulcrum" in line 6. There is insufficient antecedent basis for this limitation in the claim. This appears to recite one fulcrum for multiple elements (lever arms?).

31. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Conclusion

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chalfant et al (1,454,537), Kupperman et al (4,301,942), Quam (5,082,139), Ripamonti (5,615,797) and Bertoldo et al (2002/0096525 A1) disclose containers with removable partitions. Prutell (1,913,409) and Wardell (2,220,135) disclose pivoted lifting devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry A. Grosso whose telephone number is 571-272-4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone

Art Unit: 3727

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nathan Newhouse
Supervisory Patent Examiner
Art Unit 3727

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